

Administrative Policy and Procedure Manual Kansas Department of Health and Environment Bureau of Child Care and Health Facilities  Policy: Exception to regulations regarding exits for space used for living and sleeping	Program CCLR – CPA & Residential Programs Section 2010 - 002  Applies to Family Foster Homes  Effective Date: September 8, 2010
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## EXCEPTION TO REGULATIONS REGARDING EXITS FOR SPACE USED FOR LIVING AND SLEEPING

### I. POLICY

- A. K.A.R. 28-4-820 (d) (11) shall be excepted in its entirety.
- B. The following exceptions shall be granted for K.A.R. 28-4-821:
  - 1. 28-4-821(b) (5) shall be excepted in its entirety, **provided that in each family foster home:**

Each bedroom used for sleeping by a child in foster care shall have two means of escape. Each means of escape shall be readily opened from the inside.

(A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.

(B) Each exit shall allow access into the room by emergency personnel.

(C) If one means of escape is a sliding glass door, the door shall not be barred.

(D) The second means of escape shall give direct access to the outside and shall be an unobstructed door or an unobstructed, operable window.

(E) Each window used as a means of escape shall meet one of the following size requirements:

(i) The window shall have an opening measuring at least 821 square inches, with a minimum width of 20 inches and a minimum height of 24 inches; or

(ii) The window shall measure a minimum width of 20 inches and a minimum height of 24 inches. The licensee shall ensure that each occupant of the bedroom can easily exit through the window and shall ensure that provisions are made for escape in case of an emergency.

(F) Each window used as a means of escape shall be within 44 inches of the floor or shall have steps or another structure that brings the exit within 44 inches of the top of

the steps or structure. If steps or another structure is used, the licensee shall ensure that both of the following requirements are met:

- (i) Be a permanent structure; and
- (ii) Ensure that any occupant can easily exit the room.

If the window is screened, the screen shall be readily removed from the inside.

2. 28-4-821(b) (6) shall be excepted in its entirety.
3. 28-4-821(d) shall be excepted and shall apply only to *children in foster care*.
4. 28-4-821(f) shall be excepted and shall apply only to *children in foster care*.

## **II. PROCEDURES**

These exceptions shall be effective as of the date stated above and shall remain in effect, unless the Department determines any of the exceptions is no longer in the best interest of children in foster care.

## **III. PURPOSE**

The purpose of these exceptions to ensure that each bedroom used for sleeping by children in foster care shall have two means of escape while allowing the foster family flexibility in the use of other living space.

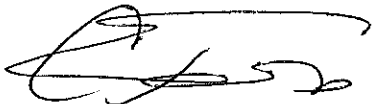
Following the implementation of the regulations for licensing family foster homes, which became effective March 28, 2008, the Department received comments from child-placing agencies and foster parents that the new regulations placed a severe burden on a number of foster families for whom the new regulations prevented the families from being able to utilize living space in their homes for household members or children in foster care.

Foster parents have the right to determine where they or their children may sleep in their own homes. The state's responsibility is to safeguard children in out-of-home care through the licensing program. This exception reflects a balance of the foster parent's rights and the state's responsibility to children placed for care. The granting of these exceptions will lead to increased availability of family foster homes for specific children who need placement in these homes by providing some flexibility to foster parents regarding their own family; by reducing barriers to recruiting homes that would otherwise comply with the regulations and would be a valuable resource for Kansas children; and by maintaining acceptable safety levels for the children placed for care.

The purpose of this exception is to address the unanticipated hardship for these foster families, until revisions of these regulations become effective.

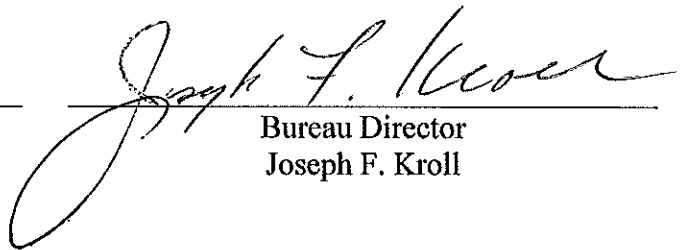
#### **IV. AUTHORITY**

The Secretary of the Kansas Department of Health and Environment has the authority to grant exceptions to regulations when it is in the best interest of children in foster care pursuant to K.A.R. 28-4-804(e).



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